

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

United States District Court  
Southern District of Texas  
ENTERED

MAR 04 2010

Clerk of Court

UNITED STATES OF AMERICA,  
Plaintiff,

V.

BEN ARIS RAMIREZ,  
Defendant.

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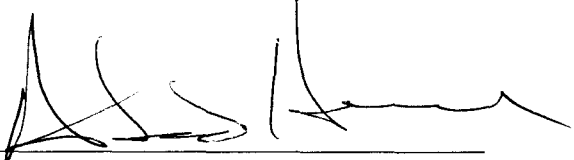
CRIMINAL NO. B-07-041-1

**ORDER**

Pending is the Magistrate Judge's December 28, 2009, Report and Recommendation in the above-referenced cause of action. [Doc. No. 63] No objections have been lodged by either side and the time for doing so has expired. Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation should be **ADOPTED**.

Therefore, it is **ORDERED** that the Magistrate Judge's Report and Recommendation is hereby **ADOPTED**, that equitable tolling does not apply to the facts in this case, and that Mr. Aris Ramirez' Motion for an Extension to File a Motion to Vacate, Set Aside or Correct His Sentence Pursuant to 28 U.S.C. § 2255 [Doc. No. 60] is **DENIED**.

Signed this 4<sup>th</sup> day of March, 2010.

  
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Andrew S. Hanen  
United States District Judge